

08/29/01

JCS85 U.S. PTO
1.53(b))

08-31-01

A

UTILITY
PATENT APPLICATION
TRANSMITTAL

Attorney Docket No.	590083-2000.2
First Inventor	PAUL STELZER
Title	MINIMALLY INVASIVE SURGERY DEVICE
Express Mail Label No.	EL819166088US

For new nonprovisional applications under 37 CFR 1.53(b))

J1017 U.S. PTO
09/943346

08/29/01

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 22]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix.
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 13]
5. ☒ Oath or Declaration [Total Pages 4]
☐ Newly executed (original or copy)
☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CFR)
b. Specification sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☒ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & documents(s))
10. ☐ 37 CFR 3.73(b) Statement
☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach from PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation ☒ Divisional ☐ Continuation-in-part (CIP) ☐ of prior application No.: 09/247,707
Prior application information: Examiner: DAVE NGUYEN Group/Art Unit: 3739

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under

Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

The incorporation can only be relied upon which a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name **MATTHEW K. RYAN, Reg. 30,800**
FROMMER LAWRENCE & HAUG LLP

Address **745 Fifth Avenue**

City **New York**

State

NY

Zip Code

10151

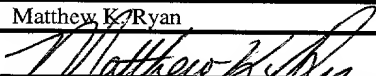
Country **U.S.**

Telephone

(212) 588-0800

Fax

(212) 588-0500

Name (Print/Type)	Matthew K. Ryan	Registration No. (Attorney/Agent)	30,800
Signature		Date	August 29, 2001

00026377

FEE TRANSMITTAL Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 2000. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.		Complete if Known	
		Application Number	To Be Assigned
		Filing Date	Herewith
		First Named Inventor	PAUL STELZER
		Examiner Name	To Be Assigned
TOTAL AMOUNT OF PAYMENT	(\$) 1,880.00	Group/Art Unit	To Be Assigned
		Attorney Docket No.	590083-2000.2

METHOD OF PAYMENT 1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: <div style="border: 1px solid black; padding: 5px; margin: 5px 0; text-align: center;"> Frommer Lawrence & Haug LLP </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0; text-align: center;"> 50-0320 </div> <input checked="" type="checkbox"/> Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance 2. <input checked="" type="checkbox"/> Payment Enclosed <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other	FEE CALCULATION 3. ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td></td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or Cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request of reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth Month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use Proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive- unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional Applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (3)</td> <td style="border: 1px solid black; text-align: center;">(\$)0</td> </tr> </tbody> </table>	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205		Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or Cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request of reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth Month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	160	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use Proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive- unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional Applications		126	240	126	240	Submission of Information Disclosure Statement		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____						Other fee (specify) _____						SUBTOTAL (3)					(\$) 0
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																
105	130	205		Surcharge - late filing fee or oath																																																																																																																																																																																	
127	50	227	25	Surcharge - late provisional filing fee or Cover sheet																																																																																																																																																																																	
139	130	139	130	Non-English specification																																																																																																																																																																																	
147	2,520	147	2,520	For filing a request of reexamination																																																																																																																																																																																	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																	
115	110	215	55	Extension for reply within first month																																																																																																																																																																																	
116	390	216	195	Extension for reply within second month																																																																																																																																																																																	
117	890	217	445	Extension for reply within third month																																																																																																																																																																																	
118	1,390	218	695	Extension for reply within fourth Month																																																																																																																																																																																	
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																																	
119	310	219	160	Notice of Appeal																																																																																																																																																																																	
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																	
121	270	221	135	Request for oral hearing																																																																																																																																																																																	
138	1,510	138	1,510	Petition to institute a public use Proceeding																																																																																																																																																																																	
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																	
141	1,240	241	620	Petition to revive- unintentional																																																																																																																																																																																	
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																	
143	440	243	220	Design issue fee																																																																																																																																																																																	
144	600	244	300	Plant issue fee																																																																																																																																																																																	
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																	
123	50	123	50	Petitions related to provisional Applications																																																																																																																																																																																	
126	240	126	240	Submission of Information Disclosure Statement																																																																																																																																																																																	
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																	
Other fee (specify) _____																																																																																																																																																																																					
Other fee (specify) _____																																																																																																																																																																																					
SUBTOTAL (3)					(\$) 0																																																																																																																																																																																

FEE CALCULATION																													
1. BASIC FILING FEE																													
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																								
101	710	201	355	Utility filing fee	\$355.00																								
106	320	206	160	Design filing fee																									
107	490	207	245	Plant filing fee																									
108	710	208	355	Reissue filing fee																									
114	150	214	75	Provisional filing fee																									
SUBTOTAL (1)					\$355.00																								
2. EXTRA CLAIM FEES																													
<table style="width:100%;"> <tr> <td style="width:15%;">Total Claims</td> <td style="width:10%; text-align: center;">1</td> <td style="width:10%;">-20** =</td> <td style="width:10%; text-align: center;">0</td> <td style="width:10%;">X</td> <td style="width:10%; text-align: center;">0</td> <td style="width:10%;">=</td> <td style="width:10%; text-align: center;">0</td> </tr> <tr> <td>Ind. Claims</td> <td style="text-align: center;">1</td> <td style="text-align: center;">-3** =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X</td> <td style="text-align: center;">0</td> <td style="text-align: center;">=</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td style="text-align: center;">1</td> <td style="text-align: center;">X</td> <td style="text-align: center;">0</td> <td style="text-align: center;">=</td> <td style="text-align: center;">0</td> </tr> </table>						Total Claims	1	-20** =	0	X	0	=	0	Ind. Claims	1	-3** =	0	X	0	=	0	Multiple Dependent			1	X	0	=	0
Total Claims	1	-20** =	0	X	0	=	0																						
Ind. Claims	1	-3** =	0	X	0	=	0																						
Multiple Dependent			1	X	0	=	0																						
** or number previously paid, if greater; for reissues, see below																													
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																								
103	18	203	9	Claims in excess of 20																									
102	80	202	40	Independent claims in excess of 3																									
104	270	204	130	Multiple dependent claim, if not paid																									
109	80	209	40	** Reissue independent claims over original patent																									
110	18	210	9	** Reissue claims in excess of 20 and over original patent																									
107	490	207	245	Plant filing fee																									
SUBTOTAL (2)					0																								

SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name		Matthew K. Ryan		Reg. Number	
				30,800	
Signature				Date	
				August 29, 2001	
				Deposit Account	
				50-0320	